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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,385	04/15/2004	Yoshinori Ishizawa	20402-00621-US1	6629

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EXAMINER

TRUONG, THANH K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,385	Applicant(s) ISHIZAWA ET AL.	
	Examiner Thanh K Truong	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-43 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 35-43 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on December 20, 2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins (3,568,909) in view of Fa et al. (5,785,228).

Perkins discloses a pneumatic tool comprising: a circular cylinder 13, a piston 14, a driver blade 17, a sleeve valve (where the portion of member 53 and the O-ring 38 make contact), an accumulator chamber 39 and a trigger valve portion (figures 2, 2A and 3).

Perkins discloses the claimed invention, but does not expressly disclose the trigger valve portion as recited in claims 35, 38 and 41.

Fa discloses a pneumatic tool comprising a trigger valve portion (9), the trigger valve portion further comprising:

a plunger (18) shifting in response to a trigger operation by a user;

a valve piston (34) having a surface allowing a slide movement relative to the plunger and shifting in a direction opposed to a shifting direction of the plunger; and

a valve bush (30, 31) having a surface slidably supporting the plunger and the valve piston so as to allow slide movements of the plunger and the valve piston; and

a seal member (51-53) provided on a first surface formed on one of the valve piston (34); and

combined grooves and ridges formed on a second surface formed on the plunger (18), the second surface opposing to the first surface (figure 7).

wherein the ridges slidably hold the seal member (56, 57) and at the same time the grooves cooperatively define an air passage between the valve piston and the plunger (figures 7-13).

Fa further discloses that the ridges cooperatively define an effective diameter (of the plunger and valve piston) of a guide along which the seal member is guided, and the grooves define an effective area of a relief passage of the compression air (figures 10 and 12 show seal members 57 and 51 effectively seal area of relief passage of compressed air). Fa's trigger valve portion would provide a multiple operation or function tool which provides the convenience of repeated actuations by trigger pull when the tool is held against a surface (column 2, lines 7-10).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify Perkins' apparatus by incorporate the trigger valve portion as taught by Fa to provide an improved pneumatic hand tool.

The modified of Perkins' reference further discloses (figures 2, 2A, 3 and 4) the grooves (portions between the ridges 46) and ridges 46 are arranged alternately and extend in an axial direction of the plunger 43 (as in claims 37, 40 and 43).

Response to Arguments

4. Applicant's arguments filed December 20, 2004 have been fully considered but they are not persuasive.

In response to the Applicant's argument that "Perkins nowhere discloses the "trigger valve portion," as recited in claims 35 and 38", the examiner contention is that Perkins was relied upon to disclose the recitation of the preamble in claims 35, 38 and 41, and as the examiner mentioned in the paragraph 3 of this office action, Perkins discloses the claimed invention, but does not expressly disclose the trigger valve portion as recited in claims 35, 38 and 41, and thus Fa ('228) was relied upon to disclose what Perkins has not.

In response to the Applicant's argument that Fa ('228) "does not disclose "ridges slidably hold said seal member and at the same time said grooves cooperatively define and air passage between said valve piston and said plunger"", the examiner disagrees.

As mentioned above in paragraph 3 of this office action, Fa ('228) discloses combined grooves and ridges formed on a second surface formed on the plunger (the grooves and ridges that hold the seal members 56, 57), and at the same time the grooves cooperatively define an air passage between the valve piston and the plunger (figures 7-13). Figure 8 clearly shows the air passage between the plunger (18) and the valve piston (34) at the lower end portion (64), where the seal member 56 is hold by groove located on the plunger (and that is the manner in which the term "cooperatively define" is interpreted by the examiner).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (571) 272-4472. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tkt
March 17, 2005.

A handwritten signature in black ink, appearing to read 'Rinaldi I. Rada', with a stylized, flowing script.

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700